

ARTICLE APPEARED  
ON PAGE 18

CHRISTIAN SCIENCE MONITOR  
4 June 1986

**OPINION**

# The press — and America's 'leaky' government

**T**HE Reagan administration, like all of its predecessors, is having trouble with the news media. CIA Director William Casey has even threatened criminal prosecution.

The relationship between government and the media is complex. There are several strands to be untangled before the parties end in court with accusations on one hand of endangering national security and, on the other, of vitiating the First Amendment's guarantee of press freedom.

The first strand is the administration's inability to keep its own secrets. There is nothing new about this problem except perhaps its magnitude. Leaks have become a weapon of bureaucratic warfare. If you are engaged in an interagency squabble, say between the State and Defense Departments, and you feel you are losing, you run to the media with a leak that is helpful to you or damaging to your opposition.

High officials leak selectively to strengthen the administration's case for a given policy. This is one reason leaks should be viewed with suspicion. The press is only doing its job when it tries to find, and print, the rest of the story. The White House does not really object to these leaks; indeed, it is the source of many of them. Some involve sensitive intelligence data. It was the President himself who revealed on television that we were reading Libyan diplomatic messages.

The leaks that most infuriate the administration often have nothing to do with national security, but only with political embarrassment. The State Department fired a middle-level functionary because he leaked a telegram from the American ambassador in Argentina criticizing the behavior of a visiting congressional group led by the Speaker of the House himself. The ambassador reported that in their conversations with Argentine officials, the congressmen had tried to undermine the Reagan policy in Nicaragua. He no doubt thought he would thereby curry favor in Washington, especially by describing his own efforts to contain the damage. The State Department leaker no doubt thought he would embarrass the congressmen. The embarrassment ran all the other way. The telegram was inappropriate to begin with; it was improperly classified and should never have been written. But firing the leaker was presented as part of a get-tough policy.

Certainly the administration needs to get its act together, but given the atmosphere in Washington, this is hard to do. One of the principles of protecting classified information is to restrict its distribution to those who legitimately need to know it. This principle is interpreted very broadly; indeed, in some cases it is hardly applied. Access to classified documents has become a status symbol. One way to increase the chances that a memorandum will receive attention is to mark it Top Secret. This is not the way a well-run government ought to

work, but it is the way the American government does — and has for a number of years.

Since the administration is unable to control its own people, it has resorted to intimidating the media. When the administration learned that the Washington Post was planning to publish a story about some of the secrets that accused spy Ronald Pelton allegedly sold the Soviet Union, Mr. Casey told Post editors — not, he said, as a threat — that publication would bring a recommendation of prosecution. Later the President himself telephoned Katharine Graham, chairman of the board of the Post company. The Post withheld the story from May 4 to May 21, and then printed only portions of it.

This looks very much like the chilling effect that was no doubt intended, even though the statute under which prosecution would take place is of very dubious constitutionality if it is applied to the press. President Kennedy achieved the same result when he successfully appealed to the patriotism of the New York Times not to publish a story about the then-forthcoming Bay of Pigs invasion of Cuba. Times editors later publicly regretted acceding to the presidential plea.

During World War II, the Chicago Tribune revealed that the United States had broken the Japanese naval code. President Roosevelt awarded the Tribune the Nazi Iron Cross for aiding the enemy, but if it ever occurred to him to prosecute, he did nothing about it.

Mr. Casey has asked the Justice Department to prosecute the National Broadcasting Company for a story on the same subject as the Post story. NBC has also upset the administration with quite a different story. This was its interview with Abu Abbas, who is wanted in three countries on terrorist charges.

NBC defends the interview, which took place at a secret location abroad, on the grounds that Mr. Abbas is a newsworthy figure. He is certainly that, but he is also a fugitive from justice. It is arguable that in knowing where he is — or was — and in not telling the appropriate authorities, NBC is itself flirting with obstruction of justice or harboring a criminal. Would it make any difference if the interview had taken place in the US, or if it had been with whoever was responsible, say, for placing a bomb in the Capitol?

This will no doubt be the subject, as it should be, of much discussion in the ethics classes of journalism schools. It is a serious matter, but it has no relationship to the First Amendment concerns aroused by Casey's bombast about national security. And neither has any relationship to the administration's penchant for leaking when that suits its purpose and complaining about leaks when they don't suit its purpose.

*Pat M. Holt, former chief of staff of the Senate Foreign Relations Committee, writes on foreign affairs from Washington.*